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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,510	01/18/2001	Mooi Choo Chuah	CHUAH 54	6393
46363	7590	08/24/2006	EXAMINER	
PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/764,510	CHUAH, MOOI CHOO
	Examiner Hanh Nguyen	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Amendment filed 6/20/06.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 and 14-17 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 and 14-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-9 and 14-17 are rejected under 35 USC 103(a) as being unpatentable over Kannas et al. (US pat. No. 6,683,853 B1) in view of Rinne (Pat. 6,845,100 B1).

In claims 1, 2, 3, 6, 7, 8 and 15-17, Kannas et al. discloses a user equipment 10 (a mobile station, fig 1) requests at step 52 (fig.2) for a desired QOS resource (request a first traffic class) to a serving support node SGSN 20 (a second packet server) via a RAB16 (a first packet server). If the requested QOS resource (the first traffic class, step 54, Fig.2) is not available, lower quality of service resource (other traffic class or lower quality traffic is granted if resource is unavailable at step 56, fig.2) is assigned. In the mean time, the system continuously monitors the quality of service availability at step 62 (successively checks resources availability for at least one other traffic class preference). When a higher quality of service (higher quality or increasing order traffic is available at step 62, fig.2) is available, the request for higher QOS is upgraded (at step 68, fig.2) (performing variable QOS negotiations including downgradable QOS and upgradable QOS with the wireless data). See col.5, lines 40 to col.6, line 4.

Kannas et al. does not disclose the request includes a QOS information element having at least one traffic class field for conveying the request for preferred ones of traffic classes in priority order. Rinne discloses a priority table (a QOS information element; see col.2, lines 50-60) from which different QOS packet classes including class of latency, class of throughputs, class of delay, etc. are included therein (traffic classes in priority order; col.2, lines 50-60 and col.3, lines 45-55). Each of QOS packet class has a traffic class protocol field such as a QOS class 1 has a traffic field values of [10....14], etc, (traffic class field; see col.8, lines 5-20). Rinne discloses that a Qos request packet having information relating to a Qos request is provided by a network with a Qos request. If the network does not have enough requested Qos, the network provides its actual Qos (see col.4, lines 7-20). Therefore, it would have been obvious to one ordinary skilled in the art to represent a priority table comprising traffic class fields corresponding with different class of services taught by Rinne in the invention of Kannas et al. to represent QOS classes with traffic class fields values in a priority order. The motivation is to help network controller to dynamically allocate different traffic classes without requiring a mobile to retransmit a request when the network bandwidth is not available.

In claims 5 and 9, Kannas et al. discloses, in Fig.3, a user equipment 10 sends a packet data protocol (PDP) context activation request 80 requesting a first quality of service. Since the radio network 4 is congested, the user equipment 10 is assigned a second QOS (using an active PDP context procedure to support downgradable QOS requirement). When the first QOS is available, the user equipment 10 is assigned the first QOS (support upgradable QOS requirement) See col.6, lines 10-24.

In claim 14, as disclosed by Kannas et al. in view of Rinne above. Kannas further discloses a packet server (RAB 16) comprising a transceiver (BS 17) and a processor (RNC 18).

Response to Arguments

Applicant's arguments filed on 6/20/06 have been fully considered but they are not persuasive.

Applicant on the Remark, pages 7, 8 an 9 argues that Rine does not disclose a Qos information element having at least one traffic class field for conveying the request for preferred ones of traffic class in the priority order.

Examiner does not agree because Rinne discloses a priority table (a QOS information element; see col.2, lines 50-60) from which different QOS packet classes including class of latency, class of throughputs, class of delay, etc. are included therein (at least one traffic classes in priority order; col.2, lines 50-60 and col.3, lines 45-55). Each of QOS packet class has a traffic class protocol field such as a QOS class 1 has a traffic field values of [10....14], etc, (traffic class field; see col.8, lines 5-20). Rinne further discloses that a Qos request packet having information relating to a Qos request is provided by a network with a Qos request. If the network does not have enough requested Qos, the network provides its actual Qos (see col.4, lines 7-20).

The claimed "traffic class field" and "one of preferred traffic classes" can be interpreted as any "traffic class field" and "any traffic class", wherein the traffic class field has values or codes identifying a type of traffic class; and the traffic class can represent any traffic class such

as class of latency, class of throughputs, class of delay, etc. each of these class represents a priority level.

Since the claimed “traffic class field” is not indicated in the claim as “codes” and the “traffic classes” are not indicated as “streaming quality of service” or “interactive QOS class”. Therefore, Examiner interprets the claimed limitations in their broadest meanings.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8:30 to 4:30. The examiner can also be reached on alternate

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 272 7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



HANH NGUYEN
PRIMARY EXAMINER